

Appl. No. 10/828,572
Amdt dated October 5, 2006
Reply to Final Office Action of June 8, 2006

RECEIVED
CENTRAL FAX CENTER

OCT 05 2006

REMARKS

Applicants have carefully reviewed the Office Action mailed June 8, 2006 and the Advisory Action mailed September 7, 2006, prior to preparing this paper. Currently claims 1-7, 9-20 and 22-35 are pending in the application, wherein claims 1-7, 9-20 and 22-35 have been rejected. Claims 1, 13, 15-20, 25, 29 and 33-35 have been amended and claims 36-38 have been added with this paper. Applicants assert no new matter has been introduced with these amendments. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claims 1, 7, 9, 11, 12, 14, 20, 26, 27, 29 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Knorig, U.S. Patent No. 6,264,633, and Termin et al., U.S. Patent No. 5,221,261. Applicants respectfully traverse this rejection.

Applicants respectfully assert the cited combination at least fails to teach the limitation of claim 1 that "the body portion of the traction member includes one or more gripping surfaces defined in the body portion." In formulating the rejection of claim 1, it appears as though the Examiner is attempting to equate the tubular fixation element 22 disclosed in Termin with the traction member as currently claimed, yet the Examiner is attempting to equate the structured outer surface 12 of the balloon 11 disclosed in Knorig with the gripping surface as currently claimed. In view of this observation, Applicants respectfully note it is the traction member which is recited to include the gripping surfaces, not the balloon, as seemingly suggested in the rejection. It follows that not only does the cited combination fail to teach each and every limitation of claim 1, but also there is no suggestion found in the prior art which would provide motivation to one skilled in the art to make a modification of the references to arrive at that which is currently claimed in claim 1. For at least this reason, claim 1, and claims 7, 9, 11 and 12, which depend from claim 1 and add additional limitations, are believed patentable over the cited combination.

Applicants respectfully assert the cited combination at least fails to teach the limitation of claim 29 that the traction member includes "an elongate member having a proximal end and a distal end extending longitudinally exterior of the balloon." In formulating the rejection of claim 29, it appears as though the Examiner is attempting to equate the tubular fixation element 22 disclosed in Termin with the traction member as currently claimed. However, the tubular

Appl. No. 10/828,572

Amdt. dated October 5, 2006

Reply to Final Office Action of June 8, 2006

fixation element 22 disclosed in Termin is of an "open weave construction" including a multiplicity of helically wound interwoven wires. See Termin, at column 4, lines 59-62. Thus, the cited combination fails to teach each and every limitation of claim 29. For at least this reason, claim 29 is believed patentable over the cited combination.

Applicants respectfully assert the cited combination at least fails to teach the limitation of claim 35 that the traction member includes "one or more non-woven wires." In formulating the rejection of claim 35, it appears as though the Examiner is attempting to equate the tubular fixation element 22 disclosed in Termin with the traction member as currently claimed. However, the tubular fixation element 22 disclosed in Termin is of an "open weave construction" including a multiplicity of helically wound interwoven wires. See Termin, at column 4, lines 59-62. Thus, the cited combination fails to teach each and every limitation of claim 35. For at least this reason, claim 35 is believed patentable over the cited combination.

As noted in a previous response, claims 13 and 25 are not listed in the rejection put forth by the Examiner at paragraph 2 on page 2 of the Final Office Action dated June 8, 2006. However, the Examiner referenced these claims in paragraph 3 on page 2 of the Final Office Action and, therefore it is assumed that the Examiner intended to reject these claims as well as those listed above under 35 U.S.C. §103(a) in view of the combination of Knorig and Termin et al. Regardless of what the Examiner intended to do, Applicants respectfully assert a *prima facie* case of obviousness cannot be established with the cited combination. The combination of Termin et al. and Knorig at least fails to teach a non-woven traction member as claimed in claim 13 or 25. Consequently, claims 13 and 25 are believed to be in condition for allowance.

Claims 14 and 20 depend from claim 13, and claims 26 and 27 depend from claim 25. For at least the reasons stated above regarding the patentability of claims 13 and 25, claims 14, 20, 26 and 27 are also believed to be in condition for allowance.

For at least the reasons stated above, a *prima facie* case of obviousness has not been established for claims 1, 7, 9, 11, 12, 14, 20, 26, 27, 29 and 35. Withdrawal of the rejection of these claims is respectfully requested.

Claims 2, 6, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Termin et al. as applied to claims 1 and 13 above, and further in view of Mareiro et al., U.S. Patent No. 6,258,099. Applicants respectfully traverse this rejection. As indicated above, claims 1 and 13 are believed to be patentable over the combination of Knorig

Appl. No. 10/828,572

Amdt. dated October 5, 2006

Reply to Final Office Action of June 8, 2006

and Termin et al. Mareiro et al. fail to remedy the shortcomings of Knorig and Termin et al. Accordingly, claims 1 and 13 are believed to be in condition for allowance. Because claims 2 and 6 depend from claim 1 and because claims 15 and 19 depend from claims 13, they are also believed patentable over the cited prior art. Withdrawal of the rejection is respectfully requested.

Claims 3 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Termin et al. as applied to claims 1 and 13 above, and further in view of Bradshaw, U.S. Patent No. 6,450,988. Applicants respectfully traverse this rejection. As indicated above, claims 1 and 13 are believed to be patentable over the combination of Knorig and Termin et al. Bradshaw fails to remedy the shortcomings of Knorig and Termin et al. Accordingly, claim 1 and 13 are believed to be in condition for allowance. Because claims 3 and 16 depend from claims 1 and 13, respectively, they are also believed patentable over the cited prior art. Withdrawal of the rejection is respectfully requested.

Claims 4, 5, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Termin et al. as applied to claims 1 and 13 above, and further in view of Grayzel et al., U.S. Patent Pub. No. 2002/0010489. Applicants respectfully traverse this rejection. As indicated above, claims 1 and 13 are believed to be patentable over the combination of Knorig and Termin et al. Grayzel et al. fail to remedy the shortcomings of Knorig and Termin et al. Accordingly, claims 1 and 13 are believed to be in condition for allowance. Because claims 4 and 5 depend from claim 1, and because claims 17 and 18 depend from claims 13, they are also believed patentable over the cited prior art. Withdrawal of the rejection is respectfully requested.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Termin et al. as applied to claim 9 above, and further in view of Campbell, U.S. Patent No. 5,928,193. Applicants respectfully traverse this rejection. As indicated above, claim 1 is believed to be patentable over the combination of Knorig and Termin et al. Campbell fails to remedy the shortcomings of Knorig and Termin et al. Accordingly, claim 1 is believed to be in condition for allowance. Because claim 10 depends from claim 1 it is also believed patentable over the cited prior art. Withdrawal of the rejection is respectfully requested.

Claims 22-24, and 29-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Termin et al. Applicants respectfully traverse this rejection. For at least the reasons stated above, a *prima facie* case of obviousness has not been established with the

Amdt. dated October 5, 2006

Reply to Final Office Action of June 8, 2006

combination of Knorig and Termin et al. Accordingly, claims 22-24 and 29-32 are believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 33 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Amundson et al., U.S. Patent No. 5,484,449. Applicants respectfully traverse this rejection.

Each of claims 33 and 34 recites that "the means for increasing the traction between the balloon and the intravascular lesion includes one or more non-woven wires affixed to the distal end of the catheter shaft" (emphasis added). The combination of Knorig and Amundson at least fails to teach this limitation of claims 33 and 34.

The continuous stent winding 50 disclosed in Amundson is not affixed to the catheter shaft. Instead, the continuous stent winding 50 is separably positioned over the balloon such that after the stent is expanded within a body lumen, the "balloon 5 is deflated and withdrawn leaving stent 1 firmly implanted within vessel 8." Amundson, at column 4, lines 59-61. This is evidenced by the sequence of Figures disclosed in Amundson in which Figure 6 illustrates the stent 1 implanted within vessel 8 after the catheter has been withdrawn.

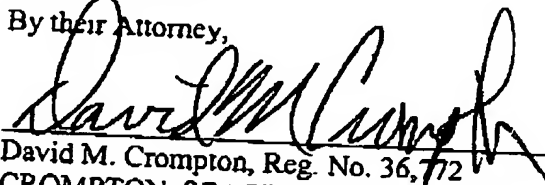
Thus, neither Amundson nor Knorig teach at least this limitation of claims 33 and 34. For at least this reason a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Steven A. McAuley et al.

By their Attorney,



David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: 10/05/06